

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.2188 of 1991

Date of decision: December 22, 2008.

Nand Singh Anand

...**Petitioner(s)**

v.

The Registrar, Cooperative Societies, Punjab & Anr.

...**Respondent(s)**

CORAM:**HON'BLE MR. JUSTICE SURYA KANT**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Shri Roshan Lal Sharma, Advocate for the petitioner.

Shri G.S. Attariwala, Additional Advocate General, Punjab
for the respondents.

ORDER

Surya Kant, J. - (Oral):

The petitioner seeks a mandamus for finalization of the disciplinary proceedings pending against him and thereafter to grant him promotion, arrears of salary and other service benefits.

While working as Senior Branch Officer with Markfed at Sangrur, the petitioner was served with a charge-sheet dated 24.4.1984 (Annexure P-1). Before that, the petitioner was placed under suspension on 21.9.1983 which was revoked vide order dated 28.1.1987. The petitioner submitted his reply to the charge-sheet. It further appears that besides the

petitioner, some more employees were also charge-sheeted by the Markfed. An Inquiry Officer was appointed on 7.9.1984 to conduct a joint inquiry against all of them. It further appears that while the inquiry proceedings were near completion, one of the charge-sheeted employee (Harpal Singh) filed CWP No.114 of 1987 challenging the disciplinary proceedings initiated against him. No stay was, however, granted by this Court against the inquiry proceedings but passing of the final order was stayed. Meanwhile, the inquiry officer had submitted the report but no further action on that basis was taken against the petitioner or those employees in whose favour there was no interim order passed by this Court.

In sum and substance, the petitioner wanted that the disciplinary proceedings should be finalized as he was expecting his exoneration, which would have made him entitled to claim the arrears of salary during the period he remained under suspension, as also consideration for further promotion.

This writ petition was filed in the year 1992. More than 16 years have passed thereafter. There is every possibility that by now, the disciplinary proceedings have come to an end and whatever consequential benefits might have been found due, have also been released in favour of the petitioner.

Be that as it may, having regard to the nature of relief sought in this writ petition, the same is disposed of with a direction to the Markfed to take a final decision in the disciplinary proceedings, if the same has not been taken so far, and if such a decision has already been taken and the petitioner has been exonerated, to consider his claim for all the consequential benefits including the promotion, arrears of pay, etc. as early

as possible but not later than four months from the date of receipt of a certified copy of this order.

These directions shall not be taken as an expression on the merits of the allegations levelled against the petitioner.

December 22, 2008.
kadyan

[**Surya Kant**]
Judge